

REMARKS

This is responsive to the office action dated October 24, 2006. Claims 16-34 are pending in the application. Claims 31-34 stand rejected under 35 USC 101 as defining non-statutory subject matter, and also under 35 USC 112 as being vague and indefinite. Additionally, all claims stand rejected under 35 USC 102 over McDonald, or under or 35 USC 103 as obvious over McDonald in view of other prior art.

With respect to the rejections under 35 USC 101, applicants have hereby amended the claims to all include useful, concrete, and tangible results. More specifically the claims all now specifically relate to different manners of displaying certain derived mortgage data so that it is displayed in the most useful form for a user. This display methodology results in a physical display more useful to a user than in prior art, and thus, is a tangible, useful, result. This is believed to overcome the rejections under 35 USC 101, and thus, applicants respectfully request withdrawal of the rejection at this time.

With respect to the rejections under 35 USC 112, amendments have been presented to the claims to address these rejections as well. Specifically, the “input” is now specified as an “input port”, which is a well known term of art and represents the hardware or software that receives the input data. Addressing the Examiner’s assertion that it is unclear how the borrower data is compared against the loan products, claim 31 now recites that the borrower data is compared against criteria for each of a plurality of loan products. This new language is believed clear.

Finally, with respect to the language “comparing the list to investor”, the objectionable language has been removed.

Applicants believe that all the rejections under 35 USC 101 and 35 USC 112 have been overcome by the amendments presented herein. Accordingly, applicants respectfully request withdrawal of those rejections at this time.

Turning to the prior art rejections, claims 16-21 and 29-30 stand rejected under 35 USC 102 as anticipated under 35 USC 102 over McDonald. Applicants submit that the amendments to the claims presented herein clearly overcome these rejections.

Specifically, claim 16 now requires that the parameters of several loan programs be displayed in a manner that depends upon *both* the suitability for the borrower of the loan program and the commissions payable to a professional. In other words, prior to the display of

the various loan programs and rates, the system checks the suitability of those programs for the borrower, and the particular commissions paid to a loan originating professional. The system then displays the various loan programs in a manner that depends upon both of these two different inputs. Claim 31 also specifically recites that the commission rates, in certain cases, **prevent** certain loan programs from being displayed at all, despite the fact that the borrower may well qualify for those programs. (“displaying only those loan programs for which the borrower qualifies and which also pass criteria associated with the commission filter”, claim 31, as amended herein)

This limitation concerning how to optimally display the programs so the borrower gets the best rates and the broker or other professional gets the highest commissions is not disclosed in McDonald. Various manners in which the commissions payable to the professional could affect the display of the loan program parameters are discussed, for example, at page 22 of the originally submitted specification. Nothing in McDonald describes or suggests such a feature, and therefore, applicant submits that the rejection under 35 USC 102 should be withdrawn.

All of the claims dependant upon claim 16 are believed to be patentable for at least the foregoing reasons. Accordingly, applicants respectfully request reconsideration and allowance of claims 16-30.

Claim 35 includes the additional limitation that plural displays are generated with different content so that different data is shown to different parties to the transaction. This is described at, for example, page 23 of the originally submitted application. This important feature, which enables the system to be useful to both borrowers and other professionals assisting such borrowers, is neither disclosed nor suggested by any of the prior art of record. Accordingly, reconsideration and allowance of this claim are respectfully requested.

Finally, claims 36 and 37 recite the features that if a borrower fails to qualify under specific lending criteria, then the system compares the borrower data against derived criteria. Nothing in McDonald describes or remotely suggests the idea of “recycling” the borrower data **after it fails** to pass loan criteria, and then processing it a second time against system derived loan criteria based upon past history. As a result, McDonald also can not anticipate the idea of displaying the approval differently depending upon which criteria it passed. This latter feature is recited explicitly in claim 37.

The features added by new claims 36 and 37 are disclosed at page 23 of the originally

submitted specification, and are not disclosed or suggested in any of the art of record.

Accordingly, applicant respectfully requests allowance of these claims at this time.

Finally, applicants believe the “printed matter” discussion in the office action is not a bar to patentability. Applicant notes that the Examiner’s reliance upon *In re Gulack* 703 F.2d 1381 (Fed. Cir. 1983) and *In re Lowry* 32 F.3d 1589 (Fed. Cir. 1994) is not on point with respect to the present claims. *Lowry* held that the printed matter cases have no relevance to claims involving the processing of information by a computer. In any event, applicants here are not claiming that any printed information, or that *any* display of that information, is new. Applicants are instead claiming that the specific methodology of performing display is new. For example, claim 16 requires that the system ascertain commissions payable to a professional, and that the system also ascertain the loan programs’ suitability for a borrower, and then determine *how* to display information based upon *two different* parameters. Applicants submit that neither *Gulack* nor *Lowry* in any way holds that a system which looks at parameters from different sources, and then optimizes a display of certain information, while potentially precluding other information from being displayed, as recited by claim 31, is unpatentable.

In view of the foregoing amendments and remarks, applicants respectfully request reconsideration and allowance of the above claims. The Examiner is authorized to charge our deposit account No. 11-0223 for any additional fees due.

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Respectfully submitted,

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